IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 28854 of 1995

Between:

Lukka Narasimha Rao, S/o. Ramaiah, aged about 52 years,
Occ: Business, (Shop.No.1, on the Western side of the

Market Road, Old Municipal Shopping Complex, Mancherial Town),

R/o Mancherial Town, Adilabad District.

..... PETITIONER

AND

The Commissioner, Mancherial Municipality,
Mancherial, Adilabad District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or a direction, preferably one in the nature of a writ of Mandamus directing the respondent herein not to evict or dispossess the petitioner from his shop no.1 on the western side of the market road, old municipal shopping complex, Mancherial town, Adilabad District, illegally, arbitrarily and declaring the petitioner herein that he is entitled to continue as tenant till the remaining lease period up to 31st March,1997 on payment of enhanced/stipulated rents by the petitioners.

For the Petitioner: **MR.C.R.PRATAP REDDY, ADVOCATE**

For the Respondent: **MR.R.THIMMA REDDY, STANDING COUNSEL FOR MUNICIPALITIES**

The Court made the following:

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ORAL ORDER:

Heard both sides.

2. The petitioner seeks a direction to the respondent not to evict or dispossess him from his Shop No.1 on the western side of the Market Road, Old Municipal Shopping Complex, Mancherial Town, Adilabad District, illegally and arbitrarily and to declare that the petitioner that he is entitled to continue as tenant till the remaining lease period i.e., upto 31st March, 1997, on payment of enhanced/stipulated rents by the petitioner.

3. From the above prayer itself, it is clear that the petitioner had filed the present writ petition claiming continuance of his status as tenant till 31st March, 1997, which period had already expired.

However, since no relief subsequent to 31st March, 1997, has been sought by the petitioner, the respondent is always at liberty to evict the petitioner in accordance with law.

4. With the above observation, the writ petition is disposed of.

However, there shall be no order as to costs.

D.S.R.VARMA, J

30TH SEPTEMBER 2004

KRK

To:

1.The Commissioner, Mancherial Municipality, Mancherial, Adilabad District.

2.Two C.D. Copies.